

Senate Study Bill 3078

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to policies of the state department of
2 transportation, including placement of official signs on
3 primary highways, repair and inspection of bridges,
4 administrative duties, motor vehicle registration and titling,
5 and driver licensing.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5387DP 81
8 dea/sh/8

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1 1 DIVISION I
1 2 Section 1. Section 306C.11, subsection 4, Code 2005, is
1 3 amended to read as follows:
1 4 4. Official and directional signs and notices which shall
1 5 include, but not be limited to, signs and notices pertaining
1 6 to natural wonders, scenic and historic attractions, and
1 7 recreational attractions ~~and municipal recognition signs,~~
1 8 ~~which. The signs and notices~~ shall conform with rules
1 9 promulgated by the department, provided that such rules shall
1 10 be consistent with national standards promulgated pursuant to
1 11 23 U.S.C. } 131(c).
1 12 Sec. 2. Section 306C.12, Code 2005, is amended to read as
1 13 follows:
1 14 306C.12 NONE VISIBLE FROM HIGHWAY.
1 15 An advertising device shall not be constructed or
1 16 reconstructed beyond the adjacent area in unincorporated areas
1 17 of the state if it is visible from the main-traveled way of
1 18 any interstate or primary highway except for advertising
1 19 devices permitted in section 306C.11, subsections 1 and 2, ~~and~~
1 20 ~~municipal recognition signs erected by any city.~~ Any
1 21 advertising device permitted beyond an adjacent area in
1 22 unincorporated areas of the state shall be subject to the
1 23 applicable permit provisions of section 306C.18.
1 24 Sec. 3. Section 306C.18, unnumbered paragraph 1, Code
1 25 2005, is amended to read as follows:
1 26 The owner of every advertising device regulated by this
1 27 chapter, except signs and advertising devices excepted by
1 28 section 306C.11, subsections 1, 2, and 5, and official signs
1 29 erected by public officers or agencies, shall be required to
1 30 make application to the department for a permit.
1 31 Sec. 4. Section 313.11, subsection 3, Code 2005, is
1 32 amended to read as follows:
1 33 3. The work can be done for less than ~~forty one hundred~~
1 34 thousand dollars.
1 35 Sec. 5. NEW SECTION. 314.18 RESPONSIBILITY FOR BRIDGE
2 1 INSPECTION.
2 2 The department, counties, cities, and other public entities
2 3 shall be responsible for the safety inspection and evaluation
2 4 of all highway bridges under their jurisdiction which are
2 5 located on public roads, in accordance with the national
2 6 bridge inspection standards. These responsibilities include
2 7 inspection policies and procedures, inspections, reports, load
2 8 ratings, quality control and quality assurance, maintaining a
2 9 bridge inventory, and other requirements of the national
2 10 bridge inspection standards.
2 11 DIVISION II
2 12 Sec. 6. Section 307.12, Code Supplement 2005, is amended
2 13 by adding the following new subsection:
2 14 NEW SUBSECTION. 5A. Present the department's proposed

2 15 budget to the commission prior to December 31 of each year.

2 16 DIVISION III

2 17 Sec. 7. Section 321.1, subsection 40, paragraphs b and c,
2 18 Code Supplement 2005, are amended to read as follows:

2 19 b. "Motorized bicycle" ~~or "motor bicycle"~~ means a motor
2 20 vehicle having a saddle or a seat for the use of a rider, ~~and~~
2 21 designed to travel on not more than three wheels in contact
2 22 with the ground, ~~with an engine having a displacement no~~
~~2 23 greater than fifty cubic centimeters~~ and not capable of
2 24 operating at a speed in excess of thirty miles per hour on
2 25 level ground unassisted by human power.

2 26 c. "Bicycle" means ~~a~~ either of the following:

2 27 (1) A device having two wheels and having at least one
2 28 saddle or seat for the use of a rider which is propelled by
2 29 human power.

2 30 (2) A device having two or three wheels with fully
2 31 operable pedals and an electric motor of less than seven
2 32 hundred fifty watts (one horsepower), whose maximum speed on a
2 33 paved level surface, when powered solely by such a motor while
2 34 ridden, is less than twenty miles per hour.

2 35 Sec. 8. Section 321.30, Code 2005, is amended by adding
3 1 the following new subsection:

3 2 NEW SUBSECTION. 15. Unless otherwise provided for in this
3 3 chapter, the department or the county treasurer shall refuse
3 4 registration and issuance of a certificate of title unless the
3 5 vehicle bears a manufacturer's label pursuant to 49 C.F.R. pt.
3 6 567 certifying that the vehicle meets federal motor vehicle
3 7 safety standards.

3 8 Sec. 9. Section 321.42, subsection 1, Code Supplement
3 9 2005, is amended to read as follows:

3 10 1. If a registration card, plate, or pair of plates is
3 11 lost or becomes illegible, the owner shall immediately apply
3 12 for replacement. The fee for a replacement registration card
3 13 shall be three dollars. The fee for a replacement plate or
3 14 pair of plates shall be five dollars. When the owner has
3 15 furnished information required by the department and paid the
3 16 proper fee, a duplicate, substitute, or new registration card,
3 17 plate, or pair of plates may be issued. The county treasurer
3 18 or the department may waive the fee for a replacement plate if
3 19 the plate is lost during a documented accident.

3 20 Sec. 10. Section 321.52, subsection 4, paragraphs b and d,
3 21 Code Supplement 2005, are amended to read as follows:

3 22 b. When a wrecked or salvage vehicle has been repaired,
3 23 the owner may apply for a regular certificate of title by
3 24 paying the appropriate fees and surrendering the salvage
3 25 certificate of title and a properly executed salvage theft
3 26 examination certificate. A motor vehicle with a gross vehicle
3 27 weight rating of thirty thousand pounds or more is not subject
3 28 to the salvage theft examination otherwise required under
3 29 paragraph "c", and the owner of such vehicle is not required
3 30 to submit a salvage theft examination certificate. The county

3 31 treasurer shall issue a regular certificate of title which
3 32 shall bear a designation stamped or printed on the face of the
3 33 title and stamped and printed on the registration receipt
3 34 indicating that the vehicle was previously titled on a salvage
3 35 certificate of title in a form approved by the department.

4 1 This designation shall be included on every Iowa certificate
4 2 of title and registration receipt issued thereafter for the
4 3 vehicle. The stamped designation shall be in black and shall
4 4 be in letters no bigger than sixteen point type and located on
4 5 the center of the right side of the registration receipt.
4 6 However, if ownership of a stolen vehicle has been transferred
4 7 to an insurer organized under the laws of this state or
4 8 admitted to do business in this state, or if the transfer was
4 9 the result of a settlement with the owner of the vehicle
4 10 arising from damage to or the unrecovered theft of the
4 11 vehicle, and if the insurer certifies to the county treasurer
4 12 on a form approved by the department that the insurance
4 13 company has received one or more written estimates which state
4 14 that the retail cost of repairs including labor, parts, and
4 15 other materials of all damage to the vehicle is less than
4 16 three thousand dollars, the county treasurer shall issue to
4 17 the insurance company the regular certificate of title and
4 18 registration receipt without this designation.

4 19 d. For purposes of this subsection, ~~a~~ "wrecked or salvage
4 20 vehicle" means a damaged motor vehicle subject to registration
4 21 ~~and having a gross vehicle weight rating of less than thirty~~
~~4 22 thousand pounds,~~ for which the cost of repair exceeds fifty
4 23 percent of the fair market value of the vehicle, as determined
4 24 in accordance with rules adopted by the department, before it
4 25 became damaged.

4 26 Sec. 11. Section 321.109, subsection 1, unnumbered
4 27 paragraph 1, Code Supplement 2005, is amended to read as
4 28 follows:

4 29 The annual fee for all motor vehicles including vehicles
4 30 designated by manufacturers as station wagons, and 1993 and
4 31 subsequent model years for multipurpose vehicles, except motor
4 32 trucks, motor homes, ambulances, hearses, motorcycles, ~~motor~~
4 33 ~~motorized~~ bicycles, and 1992 and older model years for
4 34 multipurpose vehicles, shall be equal to one percent of the
4 35 value as fixed by the department plus forty cents for each one
5 1 hundred pounds or fraction thereof of weight of vehicle, as
5 2 fixed by the department. The weight of a motor vehicle, fixed
5 3 by the department for registration purposes, shall include the
5 4 weight of a battery, heater, bumpers, spare tire, and wheel.
5 5 Provided, however, that for any new vehicle purchased in this
5 6 state by a nonresident for removal to the nonresident's state
5 7 of residence the purchaser may make application to the county
5 8 treasurer in the county of purchase for a transit plate for
5 9 which a fee of ten dollars shall be paid. And provided,
5 10 however, that for any used vehicle held by a registered dealer
5 11 and not currently registered in this state, or for any vehicle
5 12 held by an individual and currently registered in this state,
5 13 when purchased in this state by a nonresident for removal to
5 14 the nonresident's state of residence, the purchaser may make
5 15 application to the county treasurer in the county of purchase
5 16 for a transit plate for which a fee of three dollars shall be
5 17 paid. The county treasurer shall issue a nontransferable
5 18 certificate of registration for which no refund shall be
5 19 allowed; and the transit plates shall be void thirty days
5 20 after issuance. Such purchaser may apply for a certificate of
5 21 title by surrendering the manufacturer's or importer's
5 22 certificate or certificate of title, duly assigned as provided
5 23 in this chapter. In this event, the treasurer in the county
5 24 of purchase shall, when satisfied with the genuineness and
5 25 regularity of the application, and upon payment of a fee of
5 26 ten dollars, issue a certificate of title in the name and
5 27 address of the nonresident purchaser delivering the same to
5 28 the person entitled to the title as provided in this chapter.
5 29 The application requirements of section 321.20 apply to a
5 30 title issued as provided in this subsection, except that a
5 31 natural person who applies for a certificate of title shall
5 32 provide either the person's social security number, passport
5 33 number, or driver's license number, whether the license was
5 34 issued by this state, another state, or another country. The
5 35 provisions of this subsection relating to multipurpose
6 1 vehicles are effective January 1, 1993, for all 1993 and
6 2 subsequent model years. The annual registration fee for
6 3 multipurpose vehicles that are 1992 model years and older
6 4 shall be in accordance with section 321.124.

6 5 Sec. 12. Section 321.180, subsection 1, paragraph a,
6 6 unnumbered paragraph 1, Code 2005, is amended to read as
6 7 follows:

6 8 A person who is at least eighteen years of age and who,
6 9 except for the person's lack of instruction in operating a
6 10 motor vehicle, would be qualified to obtain a driver's
6 11 license, shall, upon meeting the requirements of section
6 12 321.186 other than a driving demonstration, and upon paying
6 13 the required fee, be issued an instruction permit by the
6 14 department. Subject to the limitations in this subsection, an
6 15 instruction permit entitles the permittee, while having the
6 16 permit in the permittee's immediate possession, to operate a
6 17 motor vehicle, other than a commercial motor vehicle or as a
6 18 chauffeur or a motor vehicle with a gross vehicle weight
6 19 rating of sixteen thousand one or more pounds, upon the
6 20 highways for a period not to exceed ~~two~~ four years from the
6 21 licensee's birthday anniversary in the year of issuance. If
6 22 the applicant for an instruction permit holds a driver's
6 23 license issued in this state valid for the operation of a
6 24 motorized bicycle or a motorcycle, the instruction permit
6 25 shall be valid for such operation without the need of an
6 26 accompanying person.

6 27 Sec. 13. Section 321.180, subsection 2, Code 2005, is
6 28 amended to read as follows:

6 29 2. A person who holds a class A, B, C, or D driver's
6 30 license, upon meeting each of the following requirements,
6 31 shall be eligible to apply for a commercial driver's
6 32 instruction permit valid for the operation of a commercial
6 33 motor vehicle, except a vehicle transporting hazardous
6 34 materials requiring placarding, when the permittee is
6 35 accompanied by a person properly licensed to operate a
7 1 commercial motor vehicle and actually occupying a seat beside

7 2 the permittee. An applicant must be at least eighteen years
7 3 of age and qualified to obtain a valid commercial driver's
7 4 license including the requirements of section 321.188 other
7 5 than the knowledge examination and driving skills tests. The
7 6 commercial driver's instruction permit shall be valid for a
7 7 period not to exceed six months. A commercial driver's
7 8 instruction permit may be renewed only once in any two-year
7 9 period. If the applicant for a commercial driver's
7 10 instruction permit holds a driver's license issued in this
7 11 state valid for the operation of a commercial or noncommercial
7 12 vehicle, the commercial driver's instruction permit shall be
7 13 valid for such operation without the need of an accompanying
7 14 person.

7 15 Sec. 14. Section 321.180B, subsection 1, unnumbered
7 16 paragraph 1, Code 2005, is amended to read as follows:

7 17 The department may issue an instruction permit to an
7 18 applicant between the ages of fourteen and eighteen years if
7 19 the applicant meets the requirements of sections 321.184 and
7 20 321.186, other than a driving demonstration, and pays the
7 21 required fee. An instruction permit issued under this section
7 22 shall be valid for a period not to exceed ~~two~~ four years from
7 23 the licensee's birthday anniversary in the year of issuance.
7 24 A motorcycle instruction permit issued under this section is
7 25 not renewable.

7 26 Sec. 15. Section 321.180B, subsection 2, unnumbered
7 27 paragraph 1, Code 2005, is amended to read as follows:

7 28 The department may issue an intermediate driver's license
7 29 to a person sixteen or seventeen years of age who possesses a
7 30 instruction permit issued under subsection 1 or a comparable
7 31 instruction permit issued by another state for a minimum of
7 32 six months immediately preceding application, and who presents
7 33 an affidavit signed by a parent or guardian on a form to be
7 34 provided by the department that the permittee has accumulated
7 35 a total of twenty hours of street or highway driving of which
8 1 two hours were conducted after sunset and before sunrise and
8 2 the street or highway driving was with the permittee's parent,
8 3 guardian, instructor, a person certified by the department, or
8 4 a person at least twenty-five years of age who had written
8 5 permission from a parent or guardian to accompany the
8 6 permittee, and whose driving privileges have not been
8 7 suspended, revoked, or barred under this chapter or chapter
8 8 321J during, and who has been accident and ~~conviction~~
8 9 violation free continuously for, the six-month period
8 10 immediately preceding the application for an intermediate
8 11 license. An applicant for an intermediate license must meet
8 12 the requirements of section 321.186, including satisfactory
8 13 completion of driver education as required in section 321.178,
8 14 and payment of the required license fee before an intermediate
8 15 license will be issued. A person issued an intermediate
8 16 license must limit the number of passengers in the motor
8 17 vehicle when the intermediate licensee is operating the motor
8 18 vehicle to the number of passenger safety belts.

8 19 Sec. 16. Section 321.180B, subsections 3 and 4, Code 2005,
8 20 are amended to read as follows:

8 21 3. REMEDIAL DRIVER IMPROVEMENT ACTION ~~OR~~ == SUSPENSION OF
8 22 PERMIT, ~~OR~~ INTERMEDIATE LICENSE, OR FULL LICENSE. A person
8 23 who has been issued an instruction permit, ~~or~~ an intermediate
8 24 license, ~~or a full driver's license~~ under this section, upon
8 25 conviction of a moving traffic violation or involvement in a
8 26 motor vehicle accident which occurred during the term of the
8 27 instruction permit or intermediate license, shall be subject
8 28 to remedial driver improvement action or suspension of the
8 29 permit or current license. A person possessing an instruction
8 30 permit who has been convicted of a moving traffic violation or
8 31 has been involved in an accident shall not be issued an
8 32 intermediate license until the person has completed the
8 33 remedial driver improvement action and has been accident and
8 34 ~~conviction~~ violation free continuously for the six-month
8 35 period immediately preceding the application for the
9 1 intermediate license. A person possessing an intermediate
9 2 license who has been convicted of a moving traffic violation
9 3 or has been involved in an accident shall not be issued a full
9 4 driver's license until the person has completed the remedial
9 5 driver improvement action and has been accident and ~~conviction~~
9 6 violation free continuously for the twelve-month period
9 7 immediately preceding the application for a full driver's
9 8 license.

9 9 4. FULL DRIVER'S LICENSE. A full driver's license may be
9 10 issued to a person seventeen years of age who possesses an
9 11 intermediate license issued under subsection 2 or a comparable
9 12 intermediate license issued by another state for a minimum of

9 13 twelve months immediately preceding application, and who
9 14 presents an affidavit signed by a parent or guardian on a form
9 15 to be provided by the department that the intermediate
9 16 licensee has accumulated a total of ten hours of street or
9 17 highway driving of which two hours were conducted after sunset
9 18 and before sunrise and the street or highway driving was with
9 19 the licensee's parent, guardian, instructor, a person
9 20 certified by the department, or a person at least twenty-five
9 21 years of age who had written permission from a parent or
9 22 guardian to accompany the licensee, whose driving privileges
9 23 have not been suspended, revoked, or barred under this chapter
9 24 or chapter 321J during, and who has been accident and
9 25 ~~conviction~~ violation free continuously for, the twelve-month
9 26 period immediately preceding the application for a full
9 27 driver's license, and who has paid the required fee.
9 28 Sec. 17. Section 321.188, subsection 1, Code 2005, is
9 29 amended by adding the following new paragraph:
9 30 NEW PARAGRAPH. f. Identify all states where the applicant
9 31 has been licensed to drive any type of motor vehicle during
9 32 the previous ten years.

9 33 EXPLANATION

9 34 This bill amends Code provisions relating to administrative
9 35 duties of the state department of transportation,
10 1 administration of highways, and regulation of motor vehicles.

10 2 Division I of the bill removes restrictions on the
10 3 placement of official signs within an adjacent area or in the
10 4 right-of-way of a primary highway. The erection of such
10 5 official signage by a public officer or agency will no longer
10 6 require a permit from the department.

10 7 The bill amends a current provision which allows the
10 8 department to contract for specialized construction work for
10 9 beam straightening, beam replacement, and beam repair on
10 10 bridges under certain conditions by increasing the threshold
10 11 for such projects from \$40,000 to \$100,000.

10 12 The bill requires the department, counties, cities, and
10 13 other public entities having jurisdiction over public roads to
10 14 each be responsible for safety inspection and evaluation of
10 15 highway bridges under the entity's jurisdiction pursuant to
10 16 the national bridge inspection standards.

10 17 Division II of the bill requires the director of
10 18 transportation to present the department's proposed budget to
10 19 the state transportation commission before December 31 each
10 20 year.

10 21 Division III of the bill amends the definitions of
10 22 "motorized bicycle" and "bicycle" to specify that a device
10 23 with pedals and a one-horsepower electric motor is a bicycle,
10 24 rather than a motorized bicycle, for purposes of motor vehicle
10 25 regulation. The bill deletes the defined term "motor bicycle"
10 26 from the Code in favor of the term "motorized bicycle". The
10 27 bill provides a clarification that only vehicles certified and
10 28 labeled as meeting federal motor vehicle safety standards are
10 29 eligible for registration and titling in this state.

10 30 The bill provides that when a motor vehicle registration
10 31 plate is lost during a documented accident, the county
10 32 treasurer or the department may waive the \$5 fee for a
10 33 replacement plate.

10 34 The bill exempts salvage vehicles with a gross vehicle
10 35 weight rating of 30,000 pounds or more from the salvage theft
11 1 examination and certificate required for regular titling after
11 2 the vehicle has been repaired.

11 3 The bill extends the period of validity of driver
11 4 instruction permits from two years to four years for both
11 5 minor and adult permittees.

11 6 The bill revises the standard for a clean driving record
11 7 under the graduated driver licensing provisions by focusing on
11 8 violations, rather than convictions. The bill requires that a
11 9 permittee be accident and violation free for six months
11 10 immediately preceding application for an intermediate license
11 11 and that an intermediate licensee be accident and violation
11 12 free during the 12-month period preceding application for a
11 13 full license. The same standards apply to a person who is in
11 14 a remedial phase of the graduated licensing program. The bill
11 15 broadens the scope of the remedial driver improvement and
11 16 sanction provisions to include persons who have been issued a
11 17 full driver's license at age 17.

11 18 The bill prohibits a person under 18 years of age who has
11 19 been issued a commercial driver's instruction permit from
11 20 operating a commercial vehicle transporting certain hazardous
11 21 materials. The bill also requires a person who applies for
11 22 issuance, renewal, or upgrading of a commercial driver's
11 23 license to identify all states where the applicant has been

11 24 licensed to drive during the previous 10 years.
11 25 The bill revises the standard for a clean driving record
11 26 under the graduated driver licensing provisions by focusing on
11 27 violations, rather than convictions. The bill requires that a
11 28 permittee be accident and violation free for six months
11 29 immediately preceding application for an intermediate license
11 30 and that an intermediate licensee be accident and violation
11 31 free during the 12-month period preceding application for a
11 32 full license. The same standards apply to a person who is in
11 33 a remedial phase of the graduated licensing program. The bill
11 34 broadens the scope of the remedial driver improvement and
11 35 sanction provisions to include persons who have been issued a
12 1 full driver's license at age 17.
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